



UNITED STATES PATENT AND TRADEMARK OFFICE

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**OFFICE OF DIRECTOR
GROUP**

In re Application of:	:	
Puttkammer, <i>et al.</i>	:	DECISION ON PETITION
Application No. 09/485,734	:	TO WITHDRAW HOLDING
Filed: February 14, 2000	:	OF ABANDONMENT
Attorney Docket No.: 990350	:	

This is a decision on to the request to revive the above identified application filed , via facsimile transmission, on July 24, 2002, and supplemented on September 09, 2002 and February 10, 2003. The request and the supplements to the request, are being treated as a petition under C.F.R. § 1.181(a) to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

The application was held abandoned for failure to respond to the Office action mailed on January 03, 2002. A Notice of Abandonment was mailed on August 13, 2002.

Petitioner asserts that on March 27, 2002, a response to the Office action was timely filed in the above-identified application. To support this assertion, petitioner has provided a copy of the response bearing a Certificate of Mailing under 37 C.F.R. § 1.8 and a statement that attests on a personal knowledge basis that the response was mailed on March 27, 2002.

A review of the application file record reveals that the above-identified response is not of record in the application file and cannot be located. However, 37 C.F.R. § 1.8(b) provides for accepting a correspondence as being timely filed if it was mailed or transmitted in accordance with 37 C.F.R. § 1.8(a).

The petition meets the conditions of 37 C.F.R. § 1.8(b) to establish the previous timely filing of the response. The application is not abandoned in fact.

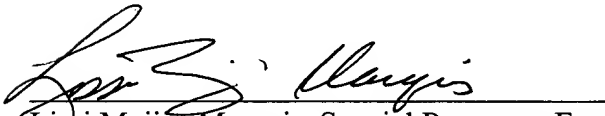
The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The copy of the response submitted with the request of July 24, 2002, is accepted since the response originally submitted was apparently lost.

Decision on Petition to Withdraw Holding of Abandonment

The application file is being forwarded to the Technology Center 2800 support staff for entry of the response. From there, the application will be forwarded to the examiner for appropriate action.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (703) 308-2260.



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